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AUG 02 2006

fax transmittal

FROM:

Name Boris A. Matvenko, Mintz Levin Cohn Ferris Glovsky and Popeo, P.C.**Date** August 2, 2006**# of Pages** 6**Client Name****Client No.****Matter No.****Atty No.**

Exagrid Systems, Inc.	25452	014	03363
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To:

Name	Company	Business#	Fax #
Mail Stop Amendment	U.S. Patent & Trademark Office		571-273-8300

Comments:

The following is being transmitted with regard to U.S. Application No. 10/658,978:

Certificate of Transmission Under 37 CFR 1.8;

Transmittal Letter (in duplicate);

Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending
"Reference" Application.

NYC 367368v.1

Please call us at 212-935-3000 if you experience any problems.

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Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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Transmitted via Facsimile No. 571-273-8300
Date of Transmission: August 2, 2006

AUG 02 2006 PATENT APPLICATION
Attorney Docket No. 25452-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/658,978 Confirmation No. 3973
Applicant(s) : David G. Therrien, *et al.*
Filed : September 10, 2003
TC/A.U. : 2165
Examiner : Mofiz, A.
Customer No. : 35437
For : METHOD AND APPARATUS FOR STORAGE SYSTEM
TO : PROVIDE DISTRIBUTED DATA STORAGE AND
PROTECTION

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

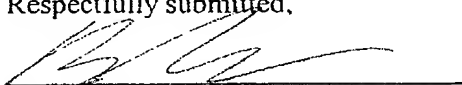
1. Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending "Reference" Application [2 pgs.];
2. A Certificate of Transmission under 37 C.F.R. 1.8 [1 pg].

The Director is hereby authorized to charge terminal disclaimer fee of \$65.00 under 37 C.F.R. 1.20(d) for small entity and any additional fees that may be due to Deposit Account No. 50-0311, Ref. No. 25452-014, Customer No. 35437. A duplicate copy of the this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 212-935-3000.

Respectfully submitted,

Dated: August 2, 2006


Boris A. Matvenko, Reg. No. 48,165
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PTO/SB/25 (07-06)

Approved for use through 09/30/2006. CMB 0551-C031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
25452-014

In re Application of: David G. Therrien et al.

Application No.: 10/658,978

Filed: September 10, 2003

For: Method and Apparatus for Storage System to Provide Distributed Data Storage and Protection

The owner*, Exagrid Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/659,129, filed on September 10, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

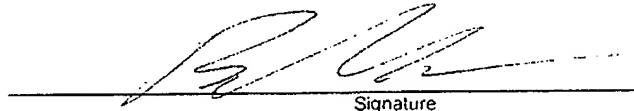
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 48,165


Signature

August 2, 2006
Date

Boris A. Matvenko
Typed or printed name

212-935-3000
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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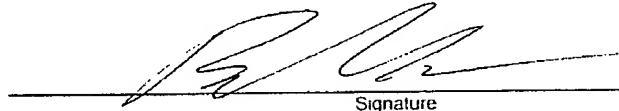
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 48,165


Signature

August 2, 2006
Date

Boris A. Matvenko
Typed or printed name

212-935-3000
Telephone Number

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on August 2, 2006
Date


Signature

Boris A. Matvenko

Typed or printed name of person signing Certificate

Reg. No. 48,165

Registration Number, if applicable

212-935-3000

Telephone Number

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